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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,699	01/11/2001	Hideo Okada	55504(551)	9569

7590 04/09/2003

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EXAMINER
WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER
	5

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Hal D Wachsman
Primary Examiner
Art Unit: 2857

PTO-90C (Rev.3-98)

Office Action Summary	Application N .	Applicant(s)	
	09/758,699	OKADA, HIDEO	
	Examiner	Art Unit	
	Hal D Wachsman	2857	

-- The MAILING DATE of this communication appears on the cov r sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-23,26-38 and 41-61* is/are rejected.

7)☒ Claim(s) *8,9,24,25,39 and 40* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3, 4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

1. The drawings have been approved by the Draftspersons.

2. Claims 1-61 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The last line of claim 1 cites "detected history" which it appears should be "detected history of use". This same type of problem also occurs in claim 7, line 10, claim 10, line 8, claim 23, lines 9-10, claim 24, line 10, claim 26, line 8, claim 33, lines 9, 10, claim 38, lines 11-12, claim 39, line 9, claim 41, line 6, claim 47, lines 10, 11, claim 52, lines 12, 13, claim 53, line 8, claim 55, line 6. The last line of claim 2 cites "detected time" which it appears should be "detected elapsed time". This same type of problem also occurs in claim 12, line 6, claim 18, line 5, claim 28, line 6, claim 34, lines 5-6, claim 43, lines 6-7, claim 48, lines 5-6. The last line of claim 3 cites "detected environment" which it appears should be "detected use environment". This same type of problem also occurs in claim 13, line 5, claim 19, line 4, claim 29, line 5, claim 35, line 4, claim 44, line 5, claim 49, line 4. The last line of claim 4 cites "detected frequency" which it appears should be "detected frequency of use". This same type of problem also occurs in claim 14, line 5, claim 20, line 4, claim 30, line 5, claim 36, line 4, claim 45, line 5, claim 50, line 4. Claim 6 cites "An electrical apparatus comprising the history storing device according to claim 1" which is ambiguous with respect to whether the claim is directed toward an electrical apparatus or in fact the history storing device and vague with respect to what type of electrical apparatus incorporates the history storing device and the structural connections between the electrical

apparatus and the history storing device inside the electrical apparatus. These same types of problems also occur in claims 16, 22, 32. Claim 7, line 9, cites "the value" however is this referring to the residual value ? This same type of problem also occurs in the last line of claim 7, claim 8, lines 11-12, claim 10, line 6, claim 24, line 12, claim 39, line 9. Claim 8, line 6, cites "the parts belonging to the respective patterns" which is confusing as to how physical parts can belong to patterns. This same type of problem also occurs in claim 24, line 6. Claim 8, line 5, cites "time elapsing" but time elapsing from what ? Claim 9, lines 3-4, cite "said variation patterns" however the antecedent basis is "patterns of variations of residual values". This same type of problem also occurs in claim 24, line 5, claim 25, lines 3-4, claim 39, lines 5, 9, claim 40, line 3, claim 53, lines 5, 8. Claim 17, lines 8-9, cite "the detected history" which it appears should be "the determined history of use".

Claim 24, line 8, cites "said storage means" which lacks clear antecedent basis. This same type of problem also occurs in claim 26, line 6. In claim 25, line 3, it appears that the word "for" is missing between the words "means" and "receiving". Claim 33, line 8, cites "said electrical signal by said determining circuit" which lacks clear antecedent basis. This same type of problem also occurs in claim 38, line 9, claim 47, line 9, claim 52, line 10. The last line of claim 33 cites "by said storage circuit" however did the applicant actually mean here "in said storage circuit" ? This same type of problem also occurs in claim 47, line 11. The last line of claim 38 cites "by said output circuit" however did the applicant

actually mean here "in said output circuit" ? This same type of problem also occurs in claim 52, line 15. Claim 39, line 5, cites "preparing said patterns and the parts" however exactly in what way are the patterns and parts being prepared ? This same type of problem also occurs in claim 53, lines 4-5. Claim 40, line 3, cites "said storage circuit" which lacks antecedent basis. This same type of problem also occurs in claim 42, line 3, claim 54, line 3. Claim 47, line 11, cites "said storage circuit" however the antecedent basis is "storing circuit". Claim 54, line 3, cites "said variation patterns" which lacks antecedent basis. Claim 56, line 3, cites "said initial value" which lacks antecedent basis. Claim 56, line 3, cites "said storage circuit" which lacks antecedent basis. Claim 57, lines 5-6, cite "the detected time" which should be "the detected elapsed time". Claim 58, line 4, cites "the detected environment" which it appears should be "the detected use environment". Claim 59, line 4, cites "the detected frequency" which should be "the detected frequency of use". Claim 61, line 8, cites "the value" which appear should be "the residual value". Claim 61, line 9, cites "the determined history" which should be "the determined history of use". The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclud_ with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 47-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 47-61 are hybrid claims that are claims that contain both an apparatus and the method steps of using the apparatus (see Ex parte Lyell, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). The preamble of claim 47 first states "A record medium...." however in lines 3-5 of the preamble of this claim are apparatus features followed by the steps of a method in the body of the claim creating ambiguity. This same type of problem also occurs in claims 52 and 61.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 47-61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As already shown above in the 35 U.S.C. 112 2nd paragraph rejections, claims 47-61 embrace or overlap several statutory classes of inventions set forth in 35 U.S.C. 101 which was drafted so as to set forth the statutory classes of invention in the alternative only. Consequently, these claims are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1-4, 6, 7, 10-14, 16-20, 22, 23, 26-30, 32-36, 38, 41-45, 47-50, 52 and 54-59 are rejected under 35 U.S.C. 102(a) or 102(b) or 102(e) as being anticipated by Soga et al. (5,867,809).

As per claim 1, Soga et al. (see at least abstract) disclose the detecting circuit as described in lines 3-4 of the claims as well as the storage circuit as described in the last 2 lines of the claim. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the determining circuit as described in lines 5-7 of the claim.

As per claim 2, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 3, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 4, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 6, all the features of this claim have already been addressed in claim 1 above.

As per claim 7, Soga et al. (see at least abstract) disclose the detecting circuit as described in lines 3-4 of the claim. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the determining circuit as described in lines 5-7 of the claim. Soga et al. (Abstract, col. 4 lines 50-67, col. 12 lines 24-34) disclose the calculating circuit as described in lines 8-10 of the claim as well as the output circuit as described in the last 2 lines of the claim.

As per claim 10, Soga et al. (see at least abstract) disclose the storage circuit as described in lines 3-4 of the claim. Soga et al. (Abstract, col. 4 lines 50-67, col. 7 lines 16-36, col. 12 lines 24-34) disclose "said calculating circuit includes...and the determined history".

As per claim 11, Soga et al. (see at least abstract) disclose the feature of this claim.

As per claim 12, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 13, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 14, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 16, all the features of this claim have already been addressed in claim 7 above.

As per claim 17, Soga et al. (see at least abstract) disclose the means for detecting as well as the storage means. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the means, connected to said detecting means, for determining.

As per claim 18, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 19, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 20, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 22, all the features of this claim have already been addressed in claim 17 above.

As per claim 23, Soga et al. (see at least abstract) disclose the means for detecting. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the means, connected to said detecting means, for determining. Soga et al. (Abstract, col. 4 lines 50-67, col. 12 lines 24-34) disclose the means, connected to said determining means, for calculating as well as the means, connected to said calculating means, for outputting.

As per claim 26, Soga et al. (see at least abstract) disclose the means, connected to the calculating means, for storing. Soga et al. (Abstract, col. 4 lines 50-67, col. 7 lines 16-36, col. 12 lines 24-34) disclose "said calculating means includes...and the determined history".

As per claim 27, Soga et al. (see at least abstract) disclose the feature of this claim.

As per claim 28, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 29, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 30, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 32, all the features of this claim have already been addressed in claim 23 above.

As per claim 33, Soga et al. (see at least abstract) disclose the detecting and storing steps. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the determining step.

As per claim 34, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 35, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 36, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 38, Soga et al. (see at least abstract) disclose the detecting step. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the determining step. Soga et al. (Abstract, col. 4 lines 50-67, col. 12 lines 24-34) disclose the calculating step as well as the outputting step.

As per claim 41, Soga et al. (see at least abstract) disclose the preparing step. Soga et al. (Abstract, col. 4 lines 50-67, col. 7 lines 16-36, col. 12 lines 24-34) disclose "said step of calculating the value includes...and said determined history".

As per claim 42, Soga et al. (see at least abstract) disclose the feature of this claim.

As per claim 43, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 44, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 45, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 47, Soga et al. (see at least abstract) disclose the detecting and storing steps. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the determining step.

As per claim 48, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 49, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 50, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

As per claim 52, Soga et al. (see at least abstract) disclose the detecting step. Soga et al. (Abstract, figures 4, 10, col. 14 lines 64-67, col. 15 lines 1-23) disclose the determining step. Soga et al. (Abstract, col. 4 lines 50-67, col. 12 lines 24-34) disclose the calculating step as well as the outputting step.

As per claim 54, Soga et al. (see at least abstract) disclose the feature of this claim.

As per claim 55, Soga et al. (see at least abstract) disclose the preparing step. Soga et al. (Abstract, col. 4 lines 50-67, col. 7 lines 16-36, col. 12 lines 24-34) disclose "said step of calculating the value includes...and said determined history".

As per claim 56, Soga et al. (see at least abstract) disclose the feature of this claim.

As per claim 57, Soga et al. (Abstract, figures 4, 9, 10, col. 14 lines 65-67) disclose the features of this claim.

As per claim 58, Soga et al. (see at least abstract) disclose the features of this claim.

As per claim 59, Soga et al. (Abstract, figures 3, 4, 10, col. 5 lines 42-46, col. 14 lines 65-67) disclose the features of this claim.

9. Claims 1-3, 6, 7, 10-13, 16-19, 22, 23, 26-29, 32-35, 38, 41-44, 47-49, 52 and 55-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Ketonen et al. (6,349,268).

As per claim 1, Ketonen et al. (see at least abstract) disclose the detecting circuit as described in lines 3-4 of the claim. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the determining circuit as described in lines 5-7 of the claim. Ketonen et al. (Abstract, col. 2 lines 43-45) disclose the storage circuit as described in the last 2 lines of claim 1.

As per claim 2, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 3, Ketonen et al. (see at least abstract) disclose the features of this claim.

As per claim 6, the features of this claim have already been addressed in claim 1 above.

As per claim 7, Ketonen et al. (see at least abstract) disclose the detecting circuit as described in lines 3-4 of the claim. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the determining circuit as described in lines 5-7 of the claim. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 59-61) disclose the calculating circuit as described in lines 8-10 of the claim as well as the output circuit as described in the last 2 lines of the claim.

As per claim 10, Ketonen et al. (see at least abstract) disclose the storage circuit as described in lines 3-4 of the claim. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 57-61) disclose "said calculating circuit....and the determined history".

As per claim 11, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 12, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 13, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 16, all the features of this claim have already been addressed in claim 7 above.

As per claim 17, Ketonen et al. (see at least abstract) disclose the means for detecting. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the means, connected to the detecting means, for determining. Ketonen et al. (Abstract, col. 2 lines 43-45) disclose the storage means as described in the last 2 lines of claim 17.

As per claim 18, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 19, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 22, all the features of this claim have already been addressed in claim 17 above.

As per claim 23, Ketonen et al. (see at least abstract) disclose the means for detecting. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the means, connected to the detecting means, for determining. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 59-61) disclose the means, connected to the determining means, for calculating as well as the means, connected to the calculating means, for outputting the calculated value.

As per claim 26, Ketonen et al. (see at least abstract) disclose the means, connected to the calculating means, for storing. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 57-61) disclose "said calculating means....and the determined history".

As per claim 27, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 28, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 29, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 32, all the features of this claim have already been addressed in claim 23 above.

As per claim 33, Ketonen et al. (see at least abstract) disclose the detecting step. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the determining step. Ketonen et al. (Abstract, col. 2 lines 43-45) disclose the storing step.

As per claim 34, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 35, Ketonen et al. (see at least abstract) disclose the features of this claim.

As per claim 38, Ketonen et al. (see at least abstract) disclose the detecting step. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the determining step. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 59-61) disclose the calculating step and outputting steps.

As per claim 41, Ketonen et al. (see at least abstract) disclose the preparing step. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 57-61) disclose "said step of calculating the value....and said determined history".

As per claim 42, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 43, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 44, Ketonen et al. (see at least abstract) disclose the features of this claim.

As per claim 47, Ketonen et al. (see at least abstract) disclose the detecting step. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the determining step. Ketonen et al. (Abstract, col. 2 lines 43-45) disclose the storing step.

As per claim 48, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 49, Ketonen et al. (see at least abstract) disclose the features of this claim.

As per claim 52, Ketonen et al. (see at least abstract) disclose the detecting step. Ketonen et al. (Abstract, col. 2 lines 42-49) disclose the determining step. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 59-61) disclose the calculating and outputting steps.

As per claim 55, Ketonen et al. (see at least abstract) disclose the preparing step. Ketonen et al. (Abstract, figure 2, col. 2 lines 46-50, 57-61) disclose "said step of calculating the value....and said determined history".

As per claim 56, Ketonen et al. (see at least abstract) disclose the feature of this claim.

As per claim 57, Ketonen et al. (Figure 2, col. 4 lines 28-31) disclose the features of this claim.

As per claim 58, Ketonen et al. (see at least abstract) disclose the features of this claim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 5, 15, 21, 31, 37, 46, 51 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al. (5,867,809) in view of Chainer et al. (6,453,266).

As per claims 5, 15, 21, 31, 37, 46, 51 and 60, Chainer et al. (Abstract, col. 1 lines 14-20, col. 2 lines 60-62) teach the features of each of these claims. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Chainer et al. to the invention of Soga et al. as specified above because as taught by Chainer et al. (col. 6 lines 65-67) by providing a history of time and geographical location of shock or other environmental inputs, the user can take steps to avoid future potentially damaging incidents.

12. Claims 5, 15, 21, 31, 37, 46, 51 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen et al. (6,349,268) in view of Chainer et al. (6,453,266).

As per claims 5, 15, 21, 31, 37, 46, 51 and 60, Chainer et al. (Abstract, col. 1 lines 14-20, col. 2 lines 60-62) teach the features of each of these claims. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Chainer et al. to the invention of Ketonen et al. as specified above because as taught by Chainer et al. (col. 6 lines 65-67) by providing a history of time and geographical location of shock or other environmental inputs, the user can take steps to avoid future potentially damaging incidents.

13. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al. (5,867,809) in view of the Applicant's Admissions of the prior art.

As per claim 61, Soga et al. (Abstract, col. 4 lines 50-67, col. 12 lines 12-34) disclose outputting the value remaining in the electrical apparatus and calculated by the calculating circuit. It appears though that Soga et al. does not clearly disclose the remaining features of this claim. However, the Applicant's Admissions of the prior art

(page 1 lines 25-27, page 2 lines 8-10 of the specification) teaches these excepted features. It would have been obvious to person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Soga et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 1 lines 12-14 of the specification) in recent years, attention has been given on reduction of refuse, garbage or the like for environmental conservation. The refuse or the like can be reduced by reusing or recycling products.

14. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen et al. (6,349,268) in view of the Applicant's Admissions of the prior art.

As per claim 61, Ketonen et al. (see at least abstract) disclose outputting the value remaining in the electrical apparatus and calculated by the calculating circuit. It appears though that Ketonen et al. does not clearly disclose the remaining features of this claim. However, the Applicant's Admissions of the prior art (page 1 lines 25-27, page 2 lines 8-10 of the specification) teaches these excepted features. It would have been obvious to person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Ketonen et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 1 lines 12-14 of the specification) in recent years, attention has been given on reduction of refuse, garbage or the like for environmental conservation. The refuse or the like can be reduced by reusing or recycling products.

15. Claims 8, 9, 24, 25, 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims and subject to the appropriate correction of the 37 C.F.R. 1.75(a) objections noted above.

16. The following references are cited as being art of general interest: Canada et al. which disclose the determination of life history parameters, Watanabe et al. which disclose a part life detection and display unit, Talbott which discloses machine residual life, Wood which discloses component lifetime predicition, Torizawa et al. which disclose the calculation of a residual tool life value and Kim which discloses an apparatus for checking the lifetime of household electric apparatuses.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
November 16, 2002